

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dennis J. Slamon et al.	Examiner:	Randall O. Winston
Serial No.:	To be assigned	Group Art Unit:	1654
Filed:	February 23, 2004	Docket:	G&C 30448.95-US-D1
Title:	FROZEN TISSUE MICROARRAY TECHNOLOGY FOR ANALYSIS OF RNA, DNA, AND PROTEINS		

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CERTIFICATE OF MAILING UNDER 37 CFR 1.10

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I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-14350.

By: 

Name: Isabell Ogata

INFORMATION DISCLOSURE STATEMENT(37 C.F.R. §1.97(b))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d)(2), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/935,507 filed on August 23, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to

establish that the reference(s) are not "prior art". Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

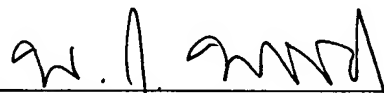
Please direct any response or inquiry to the below-signed attorney at (310) 641-8797.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

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6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
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Date: February 23, 2004

By:   
Name: William J. Wood  
Reg. No.: 42,236

<b>Form 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b>	Docket Number: G&C 30448.95-US-D1	Application Number: To be assigned
	Applicant: Dennis J. Slamon et al.	
	Filing Date: February 23, 2004	Group Art Unit: 1645

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,103,518	08/15/00	Leighton			
	6,251,601 B1	06/26/01	Bao et al.			
	6,258,541 B1	07/10/01	Chapkin et al.			
	6,335,163	01/01/02	Sharon			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
		Barlund, M. et al., "Multiple Genes at 17q23 Undergo Amplification and Overexpression in Breast Cancer", Cancer Research, Vol. 60, No. 19, October 1, 2000, pp. 5340-5344.				
		Battifora, H. et al., "The Influence of Protease Digestion and Duration of Fixation on the Immunostaining of Keratins. A Comparison of Formalin and Ethanol Fixation", The Journal of Histochemistry and Cytochemistry, Vol. 34, No. 8, August 1986, pp. 1095-1100.				
		Bubendorf, L. et al., "Survey of Gene Amplifications during Prostate Cancer Progression by High-Throughput Fluorescence <i>in Situ</i> Hybridization on Tissue Microarrays", Vol. 59, No. 4, February 15, 1999, pp. 803-806.				
		Bubendorf, L. et al., "Hormone Therapy Failure in Human Prostate Cancer: Analysis by Complementary DNA and Tissue Microarrays", Journal of the National Cancer Institute, Vol. 91, No. 20, October 20, 1999, pp. 1758-1764.				
		Barlund, M. et al., "Detecting Activation of Ribosomal Protein S6 Kinase by Complementary DNA and Tissue Microarray Analysis", Journal of the National Cancer Institute, Vol. 92, No. 15, August 2, 2000, pp. 1252-1259.				
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		Masuda, N. et al., "Analysis of chemical modification of RNA from formalin-fixed samples and optimization of molecular biology applications for such samples", Nucleic Acids Research, Vol. 27, No. 22, November 15, 1999, pp. 4436-4443.				
		Moch, H. et al., "High-Throughput Tissue Microarray Analysis to Evaluate Genes Uncovered by cDNA Microarray Screening in Renal Cell Carcinoma", American Journal of Pathology, Vol. 154, No. 4, April 1999, pp. 981-986.				
		Moch, H. et al., "Identification of Potential Prognostic Parameters for Renal Cell Carcinoma by Tissue Microarray Analysis and cDNA Microarray Screening", Verhandlugen der Deutschen Gellschaft fur Pathologic, Vol. 83, 19999, pp. 225-232.				

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>Form 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b>	Docket Number: G&C 30448.95-US-D1	Application Number: To be assigned
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Penault-Llorca, F. et al., "Optimization of Immunohistochemical Detection of ERBB2 in Human Breast Cancer: Impact of Fixation", Journal of Pathology, Vol. 173, No. 1, May 1994, pp. 65-75.
		Richter, J. et al., "High-Throughput Tissue Microarray Analysis of Cyclin E Gene Amplification and Overexpression in Urinary Bladder Cancer", American Journal of Pathology, Vol. 157, No. 3, September 2000, pp. 787-794.
		Bowen, C. et al., "Loss of NKX3.1 Expression in Human Prostate Cancers Correlates with Tumor Progression", Cancer Research, Vol. 60, No. 21, November 1, 2000, pp. 6111-6115
		Schrami, P. et al., "Tissue Microarrays for Gene Amplification Surveys in many Different Tumor Types", Clinical Cancer Research, Vol. 5, No. 8, August 1999, pp. 1966-1975.
		Slamon, D.J. et al., "Studies of the HER-2/ <i>neu</i> Proto-oncogene in Human Breast and Ovarian Cancer", Science, Vol. 244, May 12, 1999, pp. 707-712.
		Specht, K. et al., "Quantitative Gene Expression Analysis in Microdissected Archival Formalin-Fixed and Paraffin-Embedded Tumor Tissue", American Journal of Pathology, Vol. 158, No. 2, February 2001, pp. 419-429.
		Traweek, S.T. et al., "The Human Hematopoietic Progenitor Cell Antigen (CD34) in Vascular Neoplasia", Anatomic Pathology, Vol. 96, No. 1, 1991, pp. 25-31.
		Werner, M. et al., "Effect of Formalin Tissue Fixation and Processing on Immunohistochemistry", The American Journal of Surgical Pathology, Vol. 24, No. 7, July 2000, pp. 1016-1019.
		Hoos, Axel et al., "Tissue Microarray Profiling of Cancer Specimens and Cell Lines: Opportunities and Limitations," October 2001, Laboratory Investigation, 81(10):1331-1338..

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